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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,600	09/12/2003	Takafumi Noguchi	Q75429	7640

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EXAMINER	
CURTIS, CRAIG	

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/660,600	NOGUCHI, TAKAFUMI	
	Examiner	Art Unit	
	Craig Curtis	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-9 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claims 1-9 are objected to because of the following informalities:** Applicant is respectfully requested substitute the word *minima* for each and every occurrence of the presently recited *mimumums*, the word maxima for each and every occurrence of the presently recited *maximums*; Applicant also is respectfully requested to substitute the word *transmittance* for each and every occurrence of the presently recited *emission*. The phrases "reflectance minima" and "transmittance maxima" are, in addition to their representing the same concept in different terms, more consonant with each other, technically speaking, than "reflectance minima" and "emission maxima," seeing as how conservation of energy requires the equality *reflectance* + *transmittance* + *absorbtance* = 1 (i.e., 100%), not *reflectance* + *emission* + *absorbtance* = 1 (i.e., 100%). It is also respectfully requested that Applicant substitute the word *primary* for each and every occurrence of the presently recited *prime*—as the phrase *primary colors*, not *prime colors*, is the standard terminology in the art. In claim 7, the phrase "..., which has the reflectance mimimums in..." should be changed to read, for the sake of example, as follows: "..., which has ~~the~~ reflectance ~~mimimums~~ minima in...." **Appropriate correction is required.**

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as being based on a disclosure that is not enabling. Specific structural elements/features—e.g., the specific materials and elements, as well as the cooperative relation between same, of which the respectively recited inventions [viz., anti-reflection film (claim 1), light-reflective display medium (claim 4), organic EL device, liquid crystal monitor (claim 9)] are comprised—which is critical or essential to the practice of the invention have not been included in the claim(s) and are not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). More specifically, as presently drafted, claims 1, 2, 4, 6, 7, and 9 are so-called *single means* claims. A single means, i.e., where a means recitation does not appear in conjunction with another recited element of means, is subject to undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim that covered every conceivable means for achieving the stated purpose [in the instant case, e.g., the attainment of reflectance minima] was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to *Hyatt* is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lynam (US 5,076,674).

Lynam discloses the invention as claimed—[a]n anti-reflection film [see, e.g., Figs. 5 & 12; also see column 12, lines 25-67—column 12, lines 1-2] having reflectance minimums [read: minima] in at least prime [read: primary] colors. See especially Fig. 12: the region between 490 nm and, say, 550 nm encompassing a reflectance minimum in the blue [a primary color] region of the visible [i.e., 400 nm – 700 nm] portion of the electromagnetic spectrum, and the region between 550 nm and, say, 650 nm encompassing a reflectance minimum in the red [a primary color] region of the visible [i.e., 400 nm – 700 nm] portion of the electromagnetic spectrum.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam (US 5,076,674) in view of Furugori et al. (US 6,836,068).

With regard to claims 2-9, Lynam discloses the invention as claimed **EXCEPT FOR** the respective recitation of limitations wherein reflectance minimums are exhibited by a light emitting [read: light-emitting] display medium (claims 1 & 3), a light reflective [read: light-reflective] display medium (claims 4 & 5), an organic EL [read: electro-luminescent] device (claims 6-8), and a liquid crystal monitor using an organic EL device (claim 9). (On a preliminary note, the Examiner contends that in the event a display medium has [read: exhibits] reflectance minimums in at least the prime colors, said display medium will necessarily have light emission maximums in the prime colors.)

Furugori et al., however, explicitly disclose the use of an antireflection layer in various display devices [see, e.g., Fig. 2, as well as column 2, lines 21-63 & column 9, lines 47-57]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the various display devices disclosed by **Furugori et al.** such that they utilize the anti-reflection film taught by **Lynam**, for at least the purpose of effectively managing the propagation of light (both ambient and dedicated) through and from display devices comprising same.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Curtis whose telephone number is (571) 272-2311. The examiner can normally be reached on Monday-Friday, 9:00 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (703) 308-1687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.H.C.
Craig H. Curtis
Group Art Unit 2872
7 January 2005

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